

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF RHODE ISLAND

Sonya Robinson-Gibbs, on behalf of herself
and those similarly situated,

Plaintiff,

v.

NO. 1:13-cv-00182-M-PAS

RBS Citizens, N.A., d/b/a CCO Mortgage,
Charter One, and Citizens Bank,

Defendant.

DECLARATION OF BRENDAN J. DONELON

I, Brendan J. Donelon, hereby declare:

1. I am the president and managing attorney at the law offices of Donelon, P.C., which is Class Counsel in the above-captioned matter.
2. I am an attorney in good standing with the State Bars of Missouri and Kansas and am admitted to practice *pro hac vice* in this matter.
3. I make this Declaration in support of Plaintiff's Unopposed Motion for Attorneys' Fees, Costs, and Enhancement Awards.
4. I have represented employees and consumers in class and collective action lawsuits for more than seven years. Over that time, I have represented loan officers in lawsuits to recover overtime pay in at least 10 cases. I have extensive trial and litigation experience in employment matters in federal courts throughout the country.
5. Together with Winebrake & Santillo, LLC, Donelon, P.C. litigated six class and collective actions, involving more than 5,600 employees for nearly four years against Defendant

RBS Citizens, N.A., d/b/a CCO Mortgage, Charter One, and Citizens Bank on behalf of Assistant Branch Managers working in bank branches.

6. Attached as Exhibit 1 is Donelon P.C.'s firm resume. As detailed therein, the firm has been appointed class counsel in numerous significant wage-and-hour collective and class actions.

7. It is Donelon, P.C.'s practice to maintain detailed and contemporaneous records of all billable case work performed by attorneys and staff.

8. Attached as Exhibit 2 are Donelon P.C.'s billable time entries for this matter. As these records demonstrate, I performed all of the work on this case for the firm. In total, Donelon P.C. spent 8.2 hours on this matter through October 14, 2013. The firm's total lodestar through that date is \$4,510.

9. Donelon, P.C. did not incur any costs related to this matter.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 23rd day of January, 2014

/s/Brendan J. Donelon
Brendan J. Donelon

EXHIBIT 1

A law firm fighting for your fair pay.



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DONELON, P.C., located in Kansas City, Missouri, was founded by attorney Brendan J. Donelon. This law practice focuses primarily on complex wage and hour class action claims and class action consumer fraud matters. It also has extensive experience in discrimination, harassment, and wrongful termination matters. Within recent years, DONELON, P.C. has resolved in excess of \$100 million for wage and hour class/collective cases throughout the country. Attorneys Brendan J. Donelon and Daniel W. Craig have extensive experience with jury trials in both state and federal courts.

ATTORNEY BRENDAN J. DONELON: Mr. Donelon has been litigating wage and employment matters since 1995. He is licensed in the State of Missouri; State of Kansas; Federal District Court Western District of Missouri; Federal District Court Eastern District of Missouri; Federal District Court of Kansas; Federal District Court for the Southern District of Illinois; Federal District Court for the Northern District of Illinois; Federal District Court for the Northern District of Florida; Federal District Court for the Eastern District of Michigan; United States Court of Appeals for the Eighth Circuit; United States Court of Appeals for the Tenth Circuit, United States Court of Appeals for the Seventh Circuit, United States Court of Appeals for the Second Circuit, United States Court of Appeals for the First Circuit, and the United States Supreme Court. Mr. Donelon started his own law practice at the young age of 29. He has tried numerous successful jury verdicts in both state and federal courts. Mr. Donelon also has extensive practice before state and federal appellate courts including briefing matters before the U.S. Supreme Court. He is considered by his peers to be a preeminent practitioner in the litigation of complex wage and hour matters, and is an active member of the National Employment Lawyers Association (NELA). He has chaired the Labor and Employment law committee for the Kansas City Metropolitan Bar Association and also chaired the task force committee for the Kansas City chapter of NELA reviewing and analyzing revisions to the Missouri Commission on Human Rights policies and procedures and its effects on claimant's rights.

His educational background is as follows:

University of Missouri, Kansas City, MO.
Degree: Juris Doctorate.
Dean's List: Winter 1992, 1994, 1995.
Graduation: May 6, 1995.

Truman State University, Kirksville, MO.
Degree: B.S. Economics.
G.P.A. = 3.49/4.0; Major 4.0/4.0.
Dean's List: (> 3.5 g.p.a.) last six semesters.
Graduation: May 9, 1992.

Mr. Donelon has litigated a large number of collective class action matters under the Fair Labor Standards Act (FLSA) and related class action claims under Fed.R.Civ.P. 23. This includes being designated as lead class counsel in all such cases. Some examples would include the following:

- In re: Bank of America Wage and Hour Employment Practices Litigation: United States District Court for the District of Kansas, case no.: 10-MD-2138. Initiated in 2009, Mr. Donelon was appointed as lead counsel over a multi-district litigation that consolidated 27 class action claims against Bank of America regarding failure to pay a class of over 180,000 employees proper overtime at their retail banking and call center locations. Court approved \$73 million settlement on December 18, 2014.
- Citizens Financial Group, Inc., et al. Litigation. Six class/collective actions filed in federal courts in the N.D. Illinois, W.D. Pennsylvania, E.D. Pennsylvania, District of Massachusetts, E.D. New York, and Court of Common Pleas for Philadelphia, Pennsylvania. All six cases related to Citizens allegedly misclassifying assistant branch managers and not paying overtime. Also, some cases involved Citizens not paying its hourly employees overtime pay for work performed off-the-clock. Three conditional certifications were granted under the FLSA, and three Rule 23 class certifications were granted as well. Litigation involved appeals brought before the Seventh, Second, First, and Third Circuit court of appeals as well as the U.S. Supreme Court in one matter. One case was tried to jury over a three week period. While the plaintiffs lost the trial, the claims in that matter, along with the other pending five cases, were resolved together for \$11.5 million. Appointed lead counsel in all matters.
- Waters, et al. v. Kryger Glass Company. United States District Court for the Western District of Missouri, case no.: 09-CV-1003. Filed: November 30, 2009. Class action claim under FLSA for time shaving related to employees working at eight facilities. Granted lead class counsel status. Confidential class settlement reached.
- West, et al. v. Citywide Mortgage Associates, Inc. United States District Court for the District of Kansas, case no.: 09-CV-2542. Filed: October 20, 2009. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Appointed class counsel status. Confidential class settlement reached.
- McKinzie, Jr. et al. v. Westlake "Ace" Hardware, Inc. United States District Court, Western District of Missouri, case no.: 09-0796. Filed: September 28, 2009. Class action claim on behalf of floor supervisors for misclassification as salary exempt under the FLSA. Case involves employees in five states. Appointed class counsel. Confidential class settlement reached.
- Carson, et al. v. Mortgage Lenders of America, L.L.C. United States District Court for the District of Kansas, case no.: 09-CV-2437-CM. Filed: August 20, 2009. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Granted lead class counsel status. Confidential class settlement reached.
- McFadden, et al. v. Corrections Corporation of America United States District Court for the District of Kansas, case no.: 09-2273-EFM. Filed: May 21, 2009. Class action claim on behalf of all assistant shift supervisors for misclassification under the FLSA. Case covers employees at over 60 facilities in over 30 states. Granted lead class counsel status. Confidential class settlement reached.
- Shockley, et al. v. Huhtamaki Consumer Packaging, Inc. et al. United States District Court for the District of Kansas, case no.: 09-CV-2260. Filed: May 15, 2009. Class action claim under the FLSA on behalf of all hourly plant employees at ten facilities for off the clock work and time clock rounding. Granted class counsel status. Confidential class settlement reached.
- Childress, et al. v. Ozark Delivery of Missouri, L.L.C. United States District Court, Western District of Missouri, case no.: 09-3133. Filed on: April 24, 2009. Class action claim under the FLSA on behalf of all delivery drivers who were not paid any overtime compensation. Granted lead class counsel status. Litigation pending.

- Busler, et al. v. Enersys Energy Products, Inc. et al. \$3.25 million settlement approved on 4-7-2010. United States District Court for the Western District of Missouri, case no.: 09-CV-0159. Filed on: February 27, 2009. Class action claim under the FLSA on behalf of all plant employees at four locations for failure to properly pay for donning and doffing. Granted lead class counsel status.
- Creten-Miller, et al. v. Westlake "Ace" Hardware, Inc. United States District Court for the District of Kansas, case no.: 08-2351. Filed: July 31, 2008. Class action claim on behalf of front end supervisors for misclassification as salary exempt under the FLSA. Case involves employees in five states. Granted lead class counsel status. Confidential class settlement reached.
- Loyd, et al. v. Ace Logistics, L.L.C. et al. United States District Court, Western District of Missouri, case no.: 08-0188. Filed: March 13, 2008. Class action claim under the FLSA on behalf of all delivery drivers who were not paid any overtime compensation. Granted lead class counsel status. Default judgment entered for \$1.8 million.
- Humphrey, et al. v. Bank Mortgage Solutions, L.L.C. & Bank VI. Settlement approved 02/18/2010. Filed: April 28, 2009. United States District Court for the District of Kansas, case no.: 09-CV-2224. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Granted lead class counsel status. Confidential class settlement reached.
- Mayes, et al. v. The Geo Group, Inc. Settlement approved 10/31/2009. Filed on: August 6, 2008. United States District Court for the Northern District of Florida, case no.: 08-CV-0248. Class action claim under the FLSA on behalf of in excess of 11,000 security guards at private prison for off the clock work and time clock rounding. Granted lead class counsel status.
- Chankin, et al. v. Tihen Communications, Inc. Confidential Settlement Approved 09/11/2009. United States District Court, Eastern District of Missouri, case no.: 08-0196. Filed: February 7, 2008. Class action case under the FLSA on behalf of cable technicians that were inappropriately being treated and independent contractors and not paid overtime. Granted lead class counsel status.
- Thomas Payson, et al. v. Capital One Home Loans. Confidential Settlement Approved 03/26/09. United States District Court, District of Kansas, case no.: 07-2282. Class action claim under FLSA, and related Rule 23 class claims under Kansas law, on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Filed on: June 29, 2007. Granted lead class counsel status. Confidential class settlement reached.
- Barnwell, et al. v. Corrections Corporation of America. \$7 million Settlement approved 02/12/2009. United States District Court for the District of Kansas, case no.: 08-CV-2151. Filed: April 3, 2008. Class action claim under the FLSA on behalf of in excess of 16,000 security guards at private prison for off the clock work and time clock rounding. Granted lead class counsel status.
- Staton, et al. v. Cavo Broadband Communications, L.L.C. Confidential Settlement Approved 01/12/2009. United States District Court, Eastern District of Missouri, case no.: 08-CV-0273 Filed: February 27, 2008. Class action case under the FLSA on behalf of cable technicians that were inappropriately being treated and independent contractors and not paid overtime. Granted lead class counsel status. Confidential class settlement reached.
- Morak, et al. v. CitiMortgage, Inc. Confidential Settlement Approved 09/23/2008. United States District Court, Eastern District of Missouri, case no.: 07-1535. Filed: August 29, 2007. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay

overtime on commission income. Granted lead class counsel status. Confidential class settlement reached.

- Smith, et al. v. Mill-Tel, Inc. Confidential Settlement Approved 08/28/2008. United States District Court, District of Kansas, case no.: 08-2016. Filed: January 8, 2008. Class action case under the FLSA on behalf of cable technicians that were inappropriately being treated and independent contractors and not paid overtime. Granted lead class counsel status. Confidential class settlement reached.
- Michael Hamilton, et al. v. ATX Services, Inc. Confidential Settlement Approved 05/06/2008. United States District Court, Western District of Missouri, case no.: 08-0030. Filed: January 11, 2008. Class action case under the FLSA on behalf of cable technicians that were inappropriately being treated and independent contractors and not paid overtime. Granted lead class counsel status. Confidential class settlement reached.
- Mische, et al. v. North American Savings Bank, F.S.B. Confidential Settlement approved May 18, 2009. United States District Court for the District of Kansas, case no.: 08-CV-2535-CM Filed on: October 27, 2008. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income. Granted lead class counsel status. Confidential class settlement reached.
- Most, et al. v. General Nutrition Centers, Inc. Confidential Settlement approved July 23, 2007. United States District Court for the District of Kansas, case no.: 06-CV-2330. Filed on: August 9, 2006. Class action claim brought under the FLSA on behalf of over 6000 store managers for failing to properly calculate and pay overtime. Granted lead class counsel status. Confidential class settlement reached.
- Canterbury, et al. v. Parsons Construction Company. Confidential settlement approved July 3, 2007. Filed on: January 26, 2007. United States District Court for the Western District of Missouri, case no: 06-CV-4281. Class action claim under the FLSA on behalf of workers for failing to compensate for pre and post shift work. Granted lead class counsel status. Confidential class settlement reached.

Mr. Donelon has spoken on numerous occasions regarding employment law and wage and hour issues. Some examples include:

National Multiple Sclerosis Society - Continuous; Speak on numerous occasions at conferences for newly diagnosed persons regarding their employment rights under the FMLA and the ADA.

American Bar Association - March 2002; Continuing Legal Education entitled Equal Employment Opportunity Basic Law and Procedures. Topic: Starting up a plaintiff's practice.

Sterling Educational Services - March 2005; Continuing Legal Education entitled Basics of Missouri Workers Compensation Law. Topic: Retaliation for Exercising Workers Compensation Rights.

Missouri Bar Association - Spring 2006 Meeting; Topic: member of panel discussing recent jury trial experiences in Missouri State courts under the Missouri Human Rights Act.

Kansas City Metropolitan Bar Association - June 2007; Processing charges of discrimination before governmental agencies.

University of Missouri Kansas City School of Law - November 2007, Continuing Legal Education on Employment Law. Spoke on effective techniques in obtaining punitive damages in employment cases and pursuing collective action claims under the FLSA.

Kansas City Metropolitan Bar Association - February 2008, Continuing Legal Education on Mendelsohn & the Supremes. Narrated program on recent U.S. Supreme Court case and argument regarding *Mendelsohn v. Sprint* employment case.

Missouri Bar Association - June 2008, Continuing Legal Education, speaker on topic of Plaintiff's Perspective: How to hit the Pot of Gold Building Case Value, Effective Discovery, State Court Summary Judgment, and Jury Trials.

Kansas City Metropolitan Bar Association - June 2009, Continuing Legal Education at Annual Labor & Employment Law Seminar. Topic: *Legal Pitfalls and Opportunities: Class and Collective Actions*.

Missouri Bar Association – 2009 Annual Labor & Employment Law Symposium. November 2009. Topic: Anatomy of a FLSA Enforcement Action, Plaintiff's perspective.

Kansas City Metropolitan Bar Association – Bench, Bar & Boardroom conference. May 2010. Topic: Emerging trends in Employment Law for Corporate Counsel.

ATTORNEY DANIEL W. CRAIG: Mr. Craig is a 1995 graduate of the University of Missouri – Kansas City School of Law. Dan has over thirteen years of significant experience in state and federal courts representing plaintiffs in employment and personal injury matters. This includes many trial experiences. He is licensed in the states of Missouri and Illinois, the Federal District Court of Missouri for the Western and Eastern Districts, the Kansas Federal District Court, the Northern District of Illinois, and the United States Court of Appeals for the Eighth Circuit. Dan has briefed and argued before the Supreme Court of Missouri, Missouri Court of Appeals (Western, Eastern and Southern Districts), and before the Eighth Circuit Court of Appeals.

Mr. Craig has had several experiences litigating wage and hour class action claims. This includes being designated as lead class in numerous lawsuits. His experience in this area is as follows:

- In re: Bank of America Wage and Hour Employment Practices Litigation: United States District Court for the District of Kansas, case no.: 10-MD-2138. Initiated in 2010, Donelon appointed as lead counsel over a multi-district litigation that consolidated over 30 class action claims against Bank of America regarding failure to pay a class of over 180,000 hourly employees proper overtime at their retail banking and call center locations.
- Bell, et al. v. Citizens Financial Group, Inc., et al. United States District Court for the W.D. of Pennsylvania, case no.: 10-CV-0320. Filed: March, 2010. Class action claim under FLSA and related state law claims for misclassification of assistant branch managers working at over 1100 branches.
- Martin, et al. v. Citizens Financial Group, Inc., et al. United States District Court for the E.D. of Pennsylvania, case no.: 10-CV-0260. Filed: January 21, 2010. Class action claim under FLSA and related state law claims for nonexempt bank employees working at over 1100 branches.
- Waters, et al. v. Kryger Glass Company. United States District Court for the Western District of Missouri, case no.: 09-CV-1003. Filed: November 30, 2009. Class action claim under FLSA for time shaving related to employees working at eight facilities.
- Gordillo, et al. v. Bank of America, N.A. United States District Court for the Eastern District of California, case no.: 09-CV-1954. Filed: November 23, 2009. Class action claim brought under California wage and hour laws on behalf of all call center employees for failing to pay overtime for pre and post shift work.
- Schreiber, et al. v. Bank of America, N.A. United States District Court for the District of Kansas, case no.: 09-CV-1336. Filed: October 30, 2009. Class action claim brought under FLSA on

behalf of all call center employees nationwide for failing to pay overtime for pre and post shift work.

- West, et al. v. Citywide Mortgage Associates, Inc. United States District Court for the District of Kansas, case no.: 09-CV-2542. Filed: October 20, 2009. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income.
- McKinzie, Jr. et al. v. Westlake "Ace" Hardware, Inc. United States District Court, Western District of Missouri, case no.: 09-0796. Filed: September 28, 2009. Class action claim on behalf of floor supervisors for misclassification as salary exempt under the FLSA. Case involves employees in five states.
- Ross, et al. v. RBS Citizens, N.A. (d/b/a Charter One), et al. United States District Court for the Northern District of Illinois, case no.: 09-CV-5695. Filed: September 14, 2009. Class action claim under the FLSA and related state law claims on behalf of all nonexempt bank branch employees in four states covering over 300 locations. Also, a misclassification claim for assistant branch managers for the same area. Granted lead class counsel status for FLSA class claims, pending for Rule 23 claims.
- Carson, et al. v. Mortgage Lenders of America, L.L.C. United States District Court for the District of Kansas, case no.: 09-CV-2437-CM. Filed: August 20, 2009. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income.
- Shockey, et al. v. Huhtamaki Consumer Packaging, Inc. et al. United States District Court for the District of Kansas, case no.: 09-CV-2260. Filed: May 15, 2009. Class action claim under the FLSA on behalf of all hourly plant employees at ten facilities for off the clock work and time clock rounding.
- Brawner, et al. v. Bank of America, N.A. United States District Court for the District of Kansas, case no.: 09-CV-2073. Filed on: February 13, 2009. Class action claim under FLSA and related state laws on behalf of nonexempt employees working at over 6000 banking centers nationwide for off the clock work and time shaving. Seeking lead class counsel status.
- Creten-Miller, et al. v. Westlake "Ace" Hardware, Inc. United States District Court for the District of Kansas, case no.: 08-2351. Filed: July 31, 2008. Class action claim on behalf of front end supervisors for misclassification as salary exempt under the FLSA. Case involves employees in five states.
- Humphrey, et al. v. Bank Mortgage Solutions, L.L.C. & Bank VI. Settlement approved 02/18/2010. Filed: April 28, 2009. United States District Court for the District of Kansas, case no.: 09-CV-2224. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income.
- Mische, et al. v. North American Savings Bank, F.S.B. Confidential Settlement approved May 18, 2009. United States District Court for the District of Kansas, case no.: 08-CV-2535-CM Filed on: October 27, 2008. Class action claim under FLSA on behalf of loan originators nationwide for failing to properly pay overtime on commission income.

Mr. Craig also has experience in litigating other complex employment and personal injury matters which include:

- Levings, et al. v. Rent-A-Center, Inc., 4:00-CV-00596-ODS. Class action lawsuit for employment discrimination. Settled for an amount in excess of \$13,000,000.00.

- Allen et al. v. Thorn Americas, Inc., et al., 4:97-CV-01159-SOW. Class action lawsuit for employment discrimination. Settled for \$6,500,000.00.
- Wooten, et al., v. Dillards, Inc., 4:99-CV-00990-ODS. Class action lawsuit for employment discrimination. Settled for \$5,600,000.00.
- Ross v. KCP&L, 4:98-CV-00674-ODS. One of approximately 40 individual employment discrimination cases brought against the defendant. Jury verdict obtained in the amount of \$1,500,000.00, and settled prior to appeal. Remaining cases settled for confidential amount.
- Barnes, et al. v. Gateway, Inc., et al., 4:99-CV-00586-GAF. Multiple plaintiff employment discrimination lawsuit. Settled for confidential amount.
- Thorne v. Sprint, PCS, 4:00-CV-00913-HFS. Sexual harassment employment claim. Jury verdict obtained in amount of \$1,200,000.00. Settled prior to appeal.
- Boshears v. Saint-Gobain Calmar, Inc., 04CV220714. Two clients received moderate to severe burns as a result of flash fire that occurred while removing gas pipes. Negligence claim was brought against property owner. Jury verdict obtained in the amount of \$3,060,000.00. Verdict affirmed on appeal.
- Smith v. City of KCMO, et al., 05CV23300. Intersection accident which led to death of mother and serious injuries to daughter. Suit was brought against other driver and against KCMO for failing to maintain traffic signage. Total settlement obtained in the amount of \$1,500,000.00.
- Haynes v. Edgerson Ins. Agency, 04CV214433. Negligent failure to procure insurance case. Jury verdict obtained in the amount of \$4,297,500.00. Parties entered into settlement agreement.
- Norris v. Mo. West Conf., et al., 31102CC4167. Intentional failure to supervise clergy case. Jury verdict obtained in the amount of \$6,000,000.00. Parties settled prior to appeal.

EXHIBIT 2

the law office of

DONELON, P.C.

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suite 200
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STATEMENT

In the matter of: *Robinson-Gibbs v. RBS Citizens*

BJD = Attorney Brendan J. Donelon

Date	Attorney	Services	Hours
2-20-13	BJD	Review new complaint that was agreed to be filed in OH regarding Cincinnati call center employees. Draft email in response.	1.1
2-21-13	BJD	Review emails regarding tolling SOL issues for the new lawsuit to be filed.	.4
3-4-13	BJD	Review co-counsel agreement for the Robinson matter to be filed in OH.	.4
3-4-13	BJD	Review final drafts of all initiating documents including complaint for the Robinson matter.	.6
5-28-13	BJD	Review email, and draft response, regarding RBS being interested in mediating the Robinson matter.	.4
6-7-13	BJD	Review email and tolling agreement regarding Robinson matter and the mediation, draft email re: the same.	.7
7-12-13	BJD	Review email and damage calculation Excel document for Robinson mediation.	.6
7-16-13	BJD	Review email summarizing results from Robinson mediation and review MOU.	.5
7-21-13	BJD	Review draft of amended complaint in Robinson matter per terms of settlement.	.6
9-25-13	BJD	Review email summarizing hearing with the court regarding settlement, and combining procedure with Robinson matter.	.5
10-9-13	BJD	Review final settlement agreement in the Robinson matter and execute	.9
10-14-13	BJD	Review draft of the preliminary settlement approval papers for the Robinson matter.	1.5
		TOTAL HOURS	8.2

Total Attorneys Fees Due: 8.2 x \$550/hour = \$4,510